DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Aug. 25, 2010 has been entered.

Remarks

2. The present Office Action is in response to Applicant's RCE filed on Aug. 25, 2010. **Claims 1-24** are still pending in the present application.

3. Claim rejections under 35 U.S.C. § 112, second paragraph, are withdrawn.

Response to Arguments

4. Applicant's arguments, with respect to independent claims 1, 21 and 22, filed Aug. 25, 2010 have been fully considered but they are not persuasive.

a) On page 11 of the Applicant's arguments/remarks with respect to independent claims 1, 21 and 22, Applicant argues, "Applicants note that Soumiya is directed to 'distributing the load between the set routes among a plurality of routes.' (See, abstract and FIG. 1A.) Soumiya does not address the subject of selecting a path for a requested connection (known in the art as 'call admission') and does not disclose or suggest

selecting one of *said predetermined paths* ***for a requested connection*** *between a source node and a destination node based on a current load measurement*. Neither Devi nor Elie-Dit- Cosaque nor Aukia nor Soumiya, alone or in combination, disclose or suggest *selecting a predetermined path for a connection request (between a source node and a destination node) based on a current load measurement measured at a source node*, as required by independent claims 1, 2 l, and 22, as amended". Examiner respectfully disagrees. The combination of the Devi, Elie and Soumiya discloses the limitation. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In addition, Devi teaches "Server 200 *determines a path for traffic* of a particular service class *between a source node 102 and destination node 102*." (par. 0018), and "to simultaneously optimize path selection for service classes, server 200 *collects multiple demands*, each for a requested amount of traffic of a particular class *between a source node and a destination node*." Devi further discloses "Demand 212 may include ***a source node 216 for traffic, a final destination 218 for the traffic***..." (see par. 0026). The indicated "demand" clearly can be read on as *a connection request* between a source and destination nodes. Devi further discloses measured between nodes ()see par. 0033-0040). For further clarification, Examiner uses Elie for disclosing a path determination is in response to a connection request between a source node and a

destination node (FIG. 4, par. 0008, 0009, 0031) and Soumiya for disclosing selecting one of said predetermined paths based on current load measurement at source node (FIGS. 1A and 1B, abstract, par. 0232).

Furthermore, Examiner notes there is nothing in the current specification to disclose "selecting one of said predetermined paths for said requested connection request based on a current load measurement, ***wherein said current load measurement is measured at said source node***, if a given path meeting the at least one requirement is found" (see rejections under 35 USC §112 below).

On the second complete paragraph of page 11 of the Applicant's arguments/remarks, Applicant argues, "Applicants also note that, as the Examiner previously acknowledged, Aukia discloses a technique similar to OSPF and teaches that each node in the network determines, in a distributed manner, *the path for the source-destination pair that traverses **the** node*. In fact, OSPF is well known to require that each node in the network determines, in *a distributed manner, the path for the source-destination pair that traverses the node.*" Examiner respectfully disagrees with Applicant for several reasons. First, the features taught by Aukia ("estimating a current traffic rate based on prior measured traffic rate" and "blocking a connection when a link in the route dose not has sufficient resources") are combined with teachings of Devi, Elie and Soumiya to disclose the limitations of claims 4 and 6 now. If Aukia uses the OSPF technique for each routing node (as Applicant asserts), it does not mean the other features (such as traffic measurement and connection blocking) cannot be combined with the teachings of other references, and simply disqualifying all of the

features disclosed in Aukia. Second, Aukia uses the benefits of OSPF to maximize the network revenue (see col. 21, lines 23-51) to determine connection paths between a source and destination nodes. Theses paths can be considered as the claimed predetermined paths. Furthermore, the current specification also suggests using SPF (and CSFP) technique to determine the predetermined paths (see abstract of the current application).

b) In the first full paragraph of page 12 of the Applicant's arguments/remarks, with respect to KSR Consideration, Applicant argues, "There is no suggestion in Devi, Elie-Dit-Cosaque, Aukia, and Soumiya, alone or in combination, to select a predetermined path for a connection request (between a source node and a destination node) from a plurality of predetermined paths based on a current load measurement measured at a source node." Examiner respectfully disagrees with Applicant. The combination of Devi, Elie-Dit-Cosaque and Soumiya discloses the limitations of independent claims 1, 21 and 22 now. The combination of Devi, Elie-Dit-Cosaque, Soumiya and Aukia discloses the limitations of the dependent claims 4 and 6 (see rejections under 35 USC § 103 below).

On the second full paragraph of page 12 of the Applicant's arguments/remarks, with respect to KSR Consideration, Applicant argues, "Furthermore, Aukia's teaching to have ***each*** node along a path compute its own route to a next node **teaches away** from the present invention's." Examiner respectfully disagrees with Applicant. In response to applicant's argument that Aukia's teaching is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned,

in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, it seems that Applicant only considers a single technique (OSPF) of Aukia's teachings to disqualify the whole reference. The Aukia generally discloses determining routes between a source and a destination pair in network 100 (see FIG. 1, col. 5 line 59 to col. 6 line 58). Aukia further teaches how every node between a source-destination pair chooses the best paths (including alternate path routing) based on several techniques including OSPF. This method of path selections between a source-destination can be considered as the "determining the plurality of the pre-determined paths by substantially maximizing a carried demand on a network…" As stated above, the current specification also suggests using SPF (and CSFP) technique to determine the predetermined paths (see abstract of the current application).

On the third full paragraph of page 12 of the Applicant's arguments/remarks, with respect to KSR Consideration, Applicant asserts, "In the Response to Arguments section of the final Office Action, the Examiner asserts that Applicants have argued that the Examiner acknowledged that 'the combination of Aukia's teachings with other references could not be used for rejecting the claims.; Applicants, however, find no argument in the previous response claiming that the Examiner has acknowledged that 'the combination of Aukia's teachings with other references could not be used for rejecting the claims' and respectfully request that the Examiner provide the page number of the cited argument". It seems, respectfully, that Applicant misunderstood the Examiner's statement. Applicant previously (and currently) asserts, "as the Examiner

previously acknowledged, Aukia discloses a technique similar to OSPF…", However, the Examiner meant to response "even though Aukia teaches using OSPF technique to determine a routing path on node, the features disclosed by Aukia can be combined to the teachings of other references for purpose of disclosing the claimed limitations".

On the fourth full paragraph of page 12 of the Applicant's arguments/remarks, with respect to KSR Consideration, Applicant argues, "In the Response to Arguments section of the final Office Action, the Examiner asserts that Applicants' arguments attack the references individually. Applicants note that the arguments were presented not to attack the references individually, but to emphasize that several *limitations are not disclosed by any of the cited references*." Examiner respectfully disagrees. The piecemeal analysis of the references is the example of Applicant's arguments against Soumiya, "Soumiya does not address the subject of selecting a path for a requested connection (known in the art as 'call admission') and does *not* disclose or suggest *selecting one of said predetermined paths* ***for a requested connection*** *between a source node and a destination node based on a current load measurement*." (See Applicant's arguments in page 11 of the Applicant's current remarks). Applicant does not considers the teachings of the other references with combination of teachings of Soumiya (see rejections under 35 USC § 103 below).

Applicant(s) are remained that the Examiner is entitled to give the broadest reasonable interpretation to the language of the claim. The Examiner is not limited to Applicant's definition, which is not specifically set fourth in the claims, *In re Tanaka et al,* 193 USPQ 139, (CCPA) 1977.

The references made herein are done so for the convenience of the Applicant. They are not meant to be limiting and should be considered as a whole.

5. Applicant's arguments, see pages 13 through 16 of the Applicant's arguments/remarks, filed on Aug. 25, 2010, with respect to amended claim 23 have been fully considered and are persuasive. The rejection of claim 23 has been withdrawn.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claim 1-22 and 24** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Consider **claims 1, 21 and 22**, the claims recite, "selecting one of said predetermined paths for said requested connection request based on a current load measurement, ***wherein said current load measurement is measured at said source node***, if a given path meeting the at least one requirement is found" which is not disclosed in the current specification. Applicant previously asserts that the limitation are

disclosed in page 3, line 24, to page 4, line 20; page 5, line 28, to page 6, line 10; and page 17, line 22, to page 18, line 14 of the current specification (see Appeal Brief Filed on 08/05/2009). The cited parts of specification discloses, "The adaptive DBR techniques may include determining whether **a designed load** between source and destination nodes is greater than **a measured load** between the source and destination nodes…" and "A main idea of adaptive DBR is to use **the current measured load** for a given ingress-egress node pair as a surrogate to DBR. When **the current measured load** for a given node pair is lower than that *used in the design of the DBR path*, a connection request for the node pair will attempt to use the path given by DBR". However, there is nothing in the current specification to explicitly discloses, "the ***current load measurement is measured at said source node***". Applicant is welcome to pint out where in the specification the limitation is disclosed.

Claims 2-20 and 24 are also rejected by the virtue of their dependency on **claim 1**.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the Examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the Examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. **Claims 1-3, 21, 22, and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Devi (US patent Application Pub. # 2003/0147400 A1)** in view of **Elie-Dit-Cosaque et al. (US Patent Application Pub. # 20040218525)** (hereinafter Elie) further in view of **Soumiya et al. (US patent Application Pub. # 2001/0037401 A1)** (hereinafter Soumiya).

Consider **claims 1, 21, and 22**, Devi discloses an apparatus for traffic engineering for in a network-based communication system, the apparatus comprising:

a memory (FIG. 2 for memory 206, and lines 1-3 of par. 0021);

and at least one processor, coupled to the memory (FIG. 2 processor 204 and lines 1-3 of par. 0021);

Devi discloses the apparatus operative, a method, and a computer-readable medium including computer codes (FIG. 2, par. 0023 and 0024) to perform the method, comprising:

to determine, in response to a connection request, whether any path of a plurality of predetermined paths between a source node and a destination node meets at least one requirement corresponding to the connection request (claim 1 lines 5-8, par. 0016, 0018 and 0019; par. 0026 for definition of a demand which inherently induces a connection request between a source node and final destination node),

wherein the plurality of predetermined paths are determined by substantially maximizing carried demand on a network using at least traffic demand estimates, and network topology information, and by performing routing for the substantially maximized carried demand (FIGS.1 and 2, par. 0020, 0021, 0026-28 and 0032 for path assignment during initial provisioning and Demands 212 and Topology Information 214 for optimization determination (maximizing demand) based on estimated demand and topology information; also par. 0004 and 0005, 0028 and 0029 for traffic demand estimation and network topology; par. 0018 for load balancing); and

selecting one of said predetermined paths for said connection request connection based on current load measurement, if a given path meeting the at least one requirement is found, to attempt to create a connection utilizing the given path (abstract, par. 0005, 0018-0019, 0022; col. 0046-0049 for optimum path selection specifically).

However, Devi fails to explicitly disclose the request for the path determination is a connection request (between the source node and the destination node).

In the same field of endeavor, Elie discloses a path determination is in response to a connection request between a source node and a destination node (FIG. 4, par. 0008, 0009, 0031).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to include a connection request received at a sources node to compute a working path based on the network topology acquired from a centralized node as taught by Elie to the server node as disclosed by Devi for purpose of determining optimized paths between source and destination nodes.

However, Devi as modified by Elie fails to disclose explicitly selecting one of said predetermined paths based on current load measurement at source node.

In the same field of endeavor, Soumiya discloses selecting one of said predetermined paths based on current load measurement at source node (FIGS. 1A and 1B, abstract, par. 0232).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate calculating load in the source router as taught by Soumiya to the method of selecting a path for traffic between source and destination nodes disclosed by Devi as modified by Elie for purpose of selecting a transmission path.

Consider **claim 2**, Devi as modified by Elie further modified by Soumiya discloses the claimed invention **as applied to claim 1 above**, in addition Devi discloses

the carried demand comprises a total amount of demand that can be carried in the network (lines 1-2 of par. 0026).

Consider **claim 3**, Devi as modified by Elie further modified by Soumiya discloses the claimed invention **as applied to claim 1 above**, in addition Devi discloses the at least one requirement comprises a destination address and a bandwidth (FIG. 2 for destination 218 of demands 212, lines 5-6 of par. 0026; link information 224 including assigned bandwidth and available bandwidth, lines 10-15 of par. 0027 and lines 1-3 of col. 0041).

Consider **claim 24**, Devi as modified by Elie further modified by Soumiya discloses the claimed invention **as applied to claim 1 above**, in addition Devi discloses the step of dynamically determining a path between the source node and the destination node if none of said plurality of predetermined paths meet the at least one requirement, wherein said dynamic path is determined at the source node (par. 0024 for updating path assignment).

10. **Claims 4 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Devi (US patent Application Pub. # 2003/0147400 A1)** in view of **Elie-Dit-Cosaque et al. (US Patent Application Pub. # 20040218525)** (hereinafter Elie) in view of **Soumiya et al. (US patent Application Pub. # 2001/0037401 A1)** (hereinafter Soumiya) further in view of **Aukia et al. (US Patent # 6594268 B1)** (hereafter Aukia).

Consider **claim 4 as applied to claim 1 above**, Devi as modified by Elie further modified by Soumiya discloses the claimed invention except determining the traffic demand estimates based at least in part on previously measured traffic demands or historical traffic demands; and determining network topology by using information from link-state routing.

In the same field of endeavor, Aukia discloses determining the traffic demand estimates based at least in part on previously measured traffic demands or historical traffic demands (FIG. 10 step 1003 and lines 46-51 of col. 21); and

determining network topology by using information from link-state routing (FIG. 5 and lines 48-52 of col. 13).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate estimating traffic based on pervious values measured prior to network configuration as taught by Aukia to method of selecting a path for traffic between source and destination nodes as disclosed by Devi as modified by Elie as modified by Soumiya for purpose of determining the traffic dare with consideration of previously measured traffic rate.

Consider **claim 6 as applied to claim 1 above**, Devi as modified by Elie further modified by Soumiya discloses the claimed invention except the step of: refusing the connection request if there are no paths in the plurality of predetermined paths meeting the at least one requirement or when the connection utilizing the given path is unavailable

In the same field of endeavor, Aukia discloses the step of: refusing the connection request if there are no paths in the plurality of predetermined paths meeting the at least one requirement or when the connection utilizing the given path is unavailable (lines 20-22 of col. 22).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate blocking a connection when a link dose not include a sufficient resources for connection by Aukia to method of selecting a path for traffic between source and destination nodes as disclosed by Devi as modified by Elie as modified by Soumiya for purpose of determining a qualify path between a source an destination that includes links with sufficient resources.

11. **Claims 5, 7-9, 13, and 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Devi (US patent Application Pub. # 2003/0147400 A1)** in view of **Elie-Dit-Cosaque et al. (US Patent Application Pub. # 20040218525)** (hereinafter Elie) in view of **Soumiya et al. (US patent Application Pub. # 2001/0037401 A1)** (hereinafter Soumiya) further in view of **Szviatovszki et al. (US Patent # 6956821 B2)** (hereafter Szviatovszki).

Consider **claim 5** Devi as modified by Elie further modified by Soumiya discloses the claimed invention **as applied to claim 1 above**, in addition Devi discloses substantially maximizing the carried demand using at least the traffic demand estimates and the network topology (lines 2-4 of par. 0004);

performing routing for the substantially maximized carried demand, thereby determining a plurality of resultant paths(lines 7-9 of par. 0005);

However, Devi as modified by Elie further modified by Soumiya fails to disclose storing the plurality of resultant paths as the predetermined paths.

In the same field of endeavor, Szviatovszki discloses storing the plurality of resultant paths as the predetermined paths (FIG. 2 block 20, lines 23-28 of col. 4).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate the storing of calculated paths to a database as taught by Szviatovszki to the path calculation method as disclosed by Devi as modified by Elie further modified by Soumiya for purpose of saving the calculated paths as future reference. The proper motivation is to use the saved calculated paths from the database of a router for future estimation of the paths in a network.

Consider **claim 7** Devi as modified by Elie further modified by Soumiya discloses the claimed invention **as applied to claim 1 above**, in addition Devi discloses the network topology comprises nodes interconnected through edges (FIG. 1 for nodes 102 and edges 104 and par. 0014);

However, Devi as modified by Elie further modified by Soumiya fails to disclose the request is made by a source node; the method further comprises the steps of: determining whether a designed load between the source node and a destination node is greater than a measured load between the source and destination nodes; when the designed load between the source node and the destination node is greater than a

measured load between the source node and the destination node, pruning edges that do not have a first available bandwidth from the network, thereby creating a first pruned network; and when the designed load between the source and a destination is not greater than a measured load between the source and destination, pruning edges that do not have a second available bandwidth from the network, thereby creating a first pruned network.

In the same field of endeavor, Szviatovszki discloses the request is made by a source node (FIGS. 1 and 2, lines 11-14 of col. 5);

the method further comprises the steps of:

determining whether a designed load between the source node and a destination node is greater than a measured load between the source and destination nodes (lines 50-58 of col. 1 and lines 59-67 of col. 9 for Dijkstra CSPF algorithm for minimizing cost of the path);

when the designed load between the source node and the destination node is greater than a measured load between the source node and the destination node, pruning edges that do not have a first available bandwidth from the network, thereby creating a first pruned network (lines 59-67 of col. 9; col. 13 lines 11-45 and the limitations can be interpreted explicitly on the 5th method of TABLE 1 with three combinations of ordering metrics such as shortest path and free bandwidth selections); and

when the designed load between the source and a destination is not greater than a measured load between the source and destination, pruning edges that do not have a

second available bandwidth from the network, thereby creating a first pruned network (lines 59-67 of col. 9 and lines 29-38 of col. 10; col. 13 lines 11-45 and the limitations can be interpreted explicitly on the 5th method of TABLE 1 with three combinations of ordering metrics such as shortest path and free bandwidth selections).

Therefore, it would have been obvious to a person of ordinary skills in the art at the time the invention was made to incorporate load balancing between source and destination node with consideration of available bandwidth as taught by Szviatovszki to the network management method as disclosed by Devi further modified by Soumiya for purpose of choosing a path in order to balance the network load.

Consider **claim 8 as applied to claim 7 above**, Szviatovszki further discloses the first bandwidth is zero and the second bandwidth is a predetermined trunk reservation (lines 49-56 of col. 10 and lines 1-5 of col. 11).

Consider **claim 9 as applied to claim 7 above**, Szviatovszki further discloses the steps of determining whether a designed load, pruning edges that do not have a first available bandwidth from the network, and pruning edges that do not have a second available bandwidth from the network are performed prior to the step of determining, in response to a request, whether any path of a plurality of paths meets at least one requirement; and the method further comprises performing, if a given path meeting the at least one requirement is not found, the following steps: pruning edges that do not have a first available bandwidth from the first pruned network to create a second pruned

network; computing shortest path from the source node to the destination node in the second pruned network; and attempting to create a connection on the shortest path (lines 17-24 of col. 13).

Consider **claim 13**, Devi as modified by Elie as modified by Soumiya further modified by Szviatovszki discloses the claimed invention **as applied to claim 5 above**, in addition Devi discloses the step of performing routing further comprises the step of performing routing for the substantially maximized carried demand, subject to a plurality of second constraints (FIG.3 with consideration of substantially maximized carried demand as optimization of network paths between nodes, par. 0031, 0032 and par. 0025, the second constraints as service classes or capacity link).

Consider **claim 16 as applied to claim 5 above**, Szviatovszki further discloses the step of performing routing further comprises the step of minimizing a total bandwidth-length product subject to a plurality of constraints including path-assignment constraints (lines 26-29, 33-39 and 46-50 of col. 9).

Allowable Subject Matter

12. **Claims 10-12, 14, 15, and 17-20** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. **Claim 23** is allowed.

The following is an examiner's statement of reasons for allowance:

Independent **claim 23**, are allowable in view of Applicant's amendments and arguments as filed on Aug. 25, 2010.

Note: Based on Applicant's amendment and the phone interview on Nov. 29, 2010, the claimed "length" is limited to "actual distance".

Therefore, **claim 23** are considered novel and non-obvious and are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

a. Wright (U.S. Patent # 7082102 B1) disclose Systems and methods for policy-enabled communications networks.

b. De Patre et al. (U.S. Patent # 7362974 B2) disclose Method for planning or provisioning data transport networks.

c. Rodosek et al. (U.S. Patent # 7302482 B2) disclose Traffic flow optimisation system.

d. Ng et al. (U.S. Patent # 7072304 B2) disclose Network path selection based on bandwidth.

e. Arrowood (U.S. Patent # 5987521) disclose Management of path routing in packet communications networks.

f. Alicherry et al. (U.S. Patent Application Publication # 20040221060 A1) disclose Network desigh utilizing network management routing algorithm.

g. Acharya et al. (U.S. Patent Application Publication # 20040218595 A1) disclose System and method for multi-protocol label switching network tuning.

h. Acharya et al. (U.S. Patent Application Publication # 20040228323 A1) disclose Route precomputation method and apparatus for bandwidth guaranteed traffic.

i. Rappaport et al. (U.S. Patent Application Publication # 20020122228 A1) disclose Network and method for propagating data packets across a network.

j. Rappaport et al. (U.S. Patent Application Publication # 20020122225 A1) disclose Multiport wavelength division multiplex network element.

15. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building

401 Dulany Street
Alexandria, VA 22314

16. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Jinsong Hu can be reached on (571) 272-3965. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Allahyar Kasraian/
Examiner, Art Unit 2617

/Jinsong Hu/
Supervisory Patent Examiner, Art Unit 2617